

REMARKS:

Claims 1-9 and 14-17 are pending in this case. Claims 1,2 and 5 are amended to remove “means” language. Claim 14 is amended to correct a typographical error. The Office Action dated June 6, 2003 indicated that all claims were rejected under 35 USC 103 as being unpatentable over Herrod (US Pat. No.6,405,049). Reconsideration of the rejected claims is respectfully requested in view of the following arguments.

Claim 1 as amended recites “a detector in communication with said first device application set group for detecting the configuration of said application set in a second device.” The Office Action admitted that this feature was not specifically disclosed by Herrod but stated that “it would have been obvious that there exist a detector means.” It is submitted that this assertion is not sufficient to form a prima facie case of nonobviousness. See MPEP 2143.03 “All claim limitations must be taught or suggested.” The Office Action acknowledged that Herrod did not disclose this feature and no other reference was cited as disclosing or suggesting it either. Therefore, no prima facie case of obviousness has been made with respect to claim 1.

The Office Action states that “The motivation of providing detector means to detect configuration of another device is to have compatibility to communicate with various mobile devices from different manufacturers.” It is not clear if this motivation to modify the system of Herrod by adding a “detector means” is to be found in Herrod or some other source. It appears that the system of Herrod supports “multiple Protocol Stacks and NFS Clients.” See column 28, lines 35-36. However, Herrod apparently achieves this without a “detector means” and so it is not understood how Herrod suggests this modification.

Because the detector of claim 1 has not been shown in the prior art, and because no motivation to modify the system of Herrod by adding a detector (if it were taught in the prior art) has been shown, it is submitted that claim 1 is allowable. Dependent claims 2, 3 and 4 are allowable at least for depending from an allowable base claim.

Claims 2 recites the limitation “responsive to said detecting.” As the Office Action noted, Herrod does not disclose “detector means for detecting.” Therefore, claim 2 is additionally allowable as including a limitation that is acknowledged as not shown by the cited prior art.

Claim 3 recites “enabling a default said application set” and “enabling a default said stack.” It is not clear where this limitation is disclosed in Herrod and the Office Action did not point out a corresponding feature in Herrod. Therefore, it is submitted that claim 3 is additionally allowable as including this feature.

Claim 4 recites "said initial communications condition is reestablished upon cessation of said wireless communications." The Office Action did not cite Herrod as disclosing this feature but stated that "it would have been obvious to establish initial communication upon cessation." No other reference was cited as teaching or suggesting this feature. A prima facie case of obviousness requires that all elements of the claim be taught or suggested by the prior art and that there must be some suggestion or motivation to combine or modify the references. See MPEP 2143 "Basic requirements of a prima facie case of obviousness." Neither of these criteria have been met. Therefore, no prima facie case of obviousness has been made and claim 4 is submitted to be additionally allowable because of this limitation.

Claim 5 recites "default enabling" and is therefore allowable for the reasons given with respect to claim 3.

Claim 6 recites an additional limitation related to the "detector." Claim 6 is therefore allowable for at least the reasons given with respect to claim 1.

Claims 7-9 are allowable at least for depending from claim 6.

Claim 14-17 are allowable for at least the reasons given with respect to claim 1-4 above.

Accordingly, it is believed that the present application is in condition for allowance and an early indication of its allowance is solicited. However, if the Examiner is aware of any further matters that require attention, a telephone call to the undersigned attorney at 415-318-1160 would be appreciated.

Please charge any additional fees required or credit any overpayment to our Deposit Account No. 502664.

Respectfully submitted,



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